

REMARKS

Claims 1-29, 32-41, and 50-57 remain pending in this application. Claims 1-15, 36-41, and 50-53 remain withdrawn. Claims 16 and 25 have been amended. Reconsideration of the pending claims, in view of these amendments and the remarks below, is respectfully requested.

Personal Interview

At the outset, Applicant would like to thank Examiners Hotaling and Hall for the courtesies extended during the personal interview on June 1, 2009 with Applicant's representatives, Jeremie Moll and the undersigned. The participants discussed the rejection of independent claims 16 and 25 under 35 U.S.C. § 103(a). In particular, Applicants' representatives discussed possible amendments to the claims and argued that the features in such amendments further distinguish the claimed invention from the applied references. The amendments to the claims submitted herewith include these features and are described in detail by the remarks below.

Claim Rejections Under 35 U.S.C. § 103

Claims 16-18, 25, 27, 32-33, and 54-57 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 6,012,982 to Piechowiak et al. ("Piechowiak") in view of U.S. Pat. No. 6,146,273 to Olsen, and further in view of U.S. Pat. No. 7,465,229 to Shuster. Applicant respectfully submits that the applied references fail to teach or suggest each and every element of the claims. In particular, independent claim 16 recites "said plurality of winning outcomes being determined by various symbol combinations, each of said plurality of gaming terminals including a display for displaying a pay table with each of said plurality of winning outcomes and said corresponding payout amount, a majority of said payout amounts each providing a different corresponding progressive award, said progressive awards being displayed in the pay table." Similarly, independent claim 25 recites "said winning outcomes being determined by various symbol combinations, each of said plurality of gaming terminals including a display for displaying a pay table with each of said plurality of winning outcomes and said corresponding payout amount" and "said majority of said payout amounts each providing a different corresponding progressive award, said progressive awards being continuously displayed in a pay table as said progressive awards are being increased." The

applied references fail to teach or suggest displaying a pay table that includes winning combinations of symbols and corresponding payout amounts, where a majority of the payout amounts each provide a different corresponding progressive award and where the progressive awards are also displayed in the pay table, as required by claims 16 and 25.

The Office Action asserts that the bonus award of Piechowiak corresponds with the claimed progressive award. *See* Office Action, p. 4, lines 11-13. Piechowiak, however, teaches that a bonus award is awarded according to a bonus counter. *See* Piechowiak, col. 6, lines 52-56. Although the bonus counter may increase when any symbol combination from a group of combinations is achieved (*see* Piechowiak, col. 6, lines 22-31), the bonus award in Piechowiak is not associated with a single specific symbol combination. Instead, there is only one bonus award for the entire group of symbol combinations. In fact, Piechowiak explains that the bonus counter is “common to all the linked machines” (Piechowiak, col. 6, lines 25-26). As such, Piechowiak teaches that there is only one possible bonus award at a given time. In other words, Piechowiak fails to teach or suggest more than one possible progressive award at a given time. Specifically, Piechowiak fails to teach or suggest a plurality of different progressive awards, each of which is provided as a payout amount corresponding to one of a plurality of winning symbol combinations, as required by claims 16 and 25.

According to the Interview Summary dated June 2, 2009, “Piechowiak was cited to provide an accumulated bonus award for the result of a comparison between a game result (i.e. symbol combination) and award table since the claims only recited that a majority of payout amounts in the paytable provide ‘a’ progressive award.” Because claims 16 and 25 have been amended to recite “said majority of said payout amounts *each providing a different corresponding progressive award*,” Applicant respectfully submits that the stated rationale for citing Piechowiak has been rendered moot and that Piechowiak is deficient for failing to teach or suggest this limitation.

Furthermore, Piechowiak is also deficient because its bonus award is not a part of a displayed pay table, as also required by claims 16 and 25. Instead, as shown in FIG. 6, Piechowiak teaches that the pay table is displayed in the central portion 620 of the display glass 622, while the bonus award is displayed separately in the periphery of the display glass 622. *See* Piechowiak, col. 9, lines 26-29. Accordingly, Piechowiak fails to teach or suggest a displayed pay table with winning symbol combinations and corresponding payout amounts, a majority of

which each provide a plurality of different corresponding progressive awards displayed in the pay table, as required by claims 16 and 25.

In addition, the Office Action asserts that Olsen teaches the allocation of a wager among progressive awards. *See* Office Action, p. 5, lines 2-4. Olsen, however, fails to teach or suggest a displayed pay table with winning symbol combinations and corresponding payout amounts, a majority of which each provide a plurality of different corresponding progressive awards displayed in the pay table. Rather, Olsen teaches the random payout of “mystery” awards in a bonus session based on specified weightings in a table that is *not* intended for display. *See, e.g.*, Olsen, col. 15, lines 62-63. Thus, Olsen fails to cure the deficiencies of Piechowiak described previously.

Furthermore, the Office Action asserts that Shuster teaches continuous updating of amounts in a pay table. *See* Office Action, p. 6, lines 6-10, 15-19. Shuster, however, also fails to teach or suggest a displayed pay table with winning symbol combinations and corresponding payout amounts, a majority of which each provide a plurality of different corresponding progressive awards displayed in the pay table. Rather, Shuster teaches adjusting the pay table on a single machine when an additional wager is placed (*see* Shuster, col. 5, lines 23-32) and is completely silent regarding progressive awards, especially progressive awards based on wagers from a plurality of gaming machines. Thus, Shuster also fails to cure the deficiencies of Piechowiak described previously.

In view of the foregoing, Piechowiak, Olsen, and Shuster, alone or in combination, fail to teach or suggest displaying a pay table that includes winning combinations of symbols and corresponding payout amounts, where a majority of the payout amounts each provide a different corresponding progressive award and where the progressive awards are also displayed in the pay table, as required by independent claims 16 and 25. Accordingly, the applied references fail to teach or suggest each and every element of claims 16 and 25. One basic requirement for a *prima facie* case of obviousness under 35 U.S.C. § 103(a) is that the prior art references must teach or suggest each and every element recited by the claims. *See, e.g.*, *M.P.E.P.* § 2143. Therefore, withdrawal of the rejection is in order and is respectfully requested. In addition, Applicant respectfully submits that dependent claims 17, 18, 27, 32-33, and 54-57 are allowable at least for the same reasons as their respective base claims 1 and 25.

Claims 19-24, 26, 28-29, and 34-35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Piechowiak in view of Olsen, further in view of Shuster, and even further in view of U.S. Pat. No. 5,851,149 to Xidos et al. ("Xidos"). Applicants respectfully submit that Xidos fails to cure the deficiencies of Piechowiak, Olsen, and Shuster described previously. Indeed, the Office Action only cites Xidos for teaching "player identification features." See Office Action, p. 10, lines 23-25. Therefore, Applicant respectfully submits that dependent claims 19-24, 26, 28-29, and 34-35 are allowable at least for the same reasons as their respective base claims 1 and 25. Accordingly, withdrawal of the rejection is in order and is respectfully requested.

Conclusion

It is the Applicant's belief that all the pending claims are now in condition for allowance, and thus reconsideration of this application is respectfully requested. If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at the number indicated.

The Commissioner is authorized to charge the fee for the extension of time and any other fees which may be required in connection with this application (excluding the issue fee) or credit any overpayment to Deposit Account No. 50-4181. Please enter the following claim amendments and remarks into the record for this application.

Respectfully submitted,

Dated: August 27, 2009

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